



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MAP/164478

PRELIMINARY RECITALS

Pursuant to a petition filed March 04, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Dodge County Department of Human Services in regard to Medical Assistance, a hearing was held on April 14, 2015, at Waukesha, Wisconsin.

The issue for determination is whether the agency correctly discontinued MAPP coverage January 31, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Joanne Bodden

Dodge County Department of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Corinne Balter

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Dodge County.
2. In January 2015 the petitioner completed a review. Prior to the review the petitioner received MAPP coverage.

3. During the review process, the petitioner provided a statement signed by [REDACTED] that stated, "I [REDACTED] help my friend [REDACTED] on occasion when she needs help or a ride to an appointment for the Drs. She pays me for the gas and anything else I'm able to help her with."
4. On January 29, 2015 the agency mailed the petitioner a request for verification regarding the MAPP work requirement. The notice specifically stated "EMPLOYMENT, the statement provided from your employer does not meet the MAPP work requirement. You must receive some type of income in exchange for the work you perform. A reimbursement for gas is not income." The agency extended the due date for this verification until February 7, 2015. The verification notice further explained that failure to provide proper verification would result in termination of the petitioner's MAPP benefits.
5. On February 4, 2015 the petitioner called to inquire about the verification necessary. The agency informed the petitioner that the verification must show that she works at least one time per month and that she receives some type of compensation or something in return for her work activity that is not considered an expense.
6. On February 9, 2015 the petitioner provided another statement from [REDACTED] dated February 5, 2015 indicating, "I had [REDACTED] do some shopping for me last month. And she took me to the doctor. For that I paid her \$60.00 in cash for gas and her time."
7. Upon receipt of that statement, the agency allowed the petitioner's MAPP benefits for January 2015. The agency discontinued MAPP benefits effective January 31, 2015 because the statement did not state that the petitioner does this work one time per month.

DISCUSSION

The Medicaid Purchase Plan (MAPP) is a subprogram of the Wisconsin Medicaid Program. It allows disabled adults who are working or want to work to become or remain Medicaid eligible, even if employed, since there are higher income limits. *MA Eligibility Handbook (MEH)*, §26.1. One of the nonfinancial criteria for MAPP eligibility is that the person must be "working in a paid position" or receiving HEC counseling. *Id.* §26.3.1.

The Department's policy manual does not require a cash payment as a condition of characterizing a job as working in a paid position:

26.3.3 Work Requirement

To meet the work requirement, a member must engage in a work activity at least once per month, or be enrolled in a Health and Employment Counseling (HEC) program (See 26.3.4 Work Requirement Exemption). Consider a member to be working whenever s/he receives something of value as compensation for his/her work activity.

This includes wages or in-kind payments. The exceptions are loans, gifts, awards, prizes, and reimbursement for expenses.

Id., §26.3.3, viewable online at <http://www.emhandbooks.wi.gov/meh/>. The state code provision on MAPP eligibility simply says that the recipient must be "employed." Wis. Admin. Code §DHS 103.03(1)(g)1.

In this case the agency is correct that the petitioner did not provide sufficient verification demonstrating that she meets this work requirement for the MAPP program. At the hearing the petitioner stated that she was very confused about what the agency needed. She had another letter from Ms. [REDACTED] dated March 10, 2015, however, she never sent in that letter. At the hearing the agency was able to clearly explain to the petitioner the verification they needed. Essentially the agency needs statement showing that the petitioner works at least one time per month and that she receives something of value in exchange for her

time. Gas money to cover expenses does not meet this requirement. The agency correctly terminated the petitioner's MAPP coverage effective January 31, 2015. Even looking at all of her employer's statements together, the statements do not show that she works at least one time per month and that she receives something of value in exchange for her work. The petitioner may reapply for MAPP, and with the proper verification, she would likely qualify for MAPP benefits.

CONCLUSIONS OF LAW

The agency correctly discontinued the petitioner's MAPP coverage effective January 31, 2015.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 20th day of April, 2015

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 20, 2015.

Dodge County Department of Human Services
Division of Health Care Access and Accountability